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REMARKS

Status of Claims and Claim Amendments

Claims 1, 2, and 4-8 are canceled herein without prejudice to filing in a continuing application. Claim 3 is amended to put it into independent form. New Claim 9, which is directed to pharmaceutical compositions comprising the compounds of Claim 3, is supported in the specification as originally filed, so that no new matter has been added.

Rejection under 35 U.S.C. §102(e)(2)

Claims 1 and 2 have been rejected as being anticipated by U.S. Patent 6,773,896.

Response: While Applicants disagree with this rejection, it is now moot in view of the cancellation of claims 1 and 2 herein. Applicants will address the rejection if and when it is raised in a continuing application.

Rejection under 35 U.S.C. §103(a)

Claims 4 and 5 have been rejected as being unpatentable over U.S. Patent 6,773,896.

Response: While Applicants disagree with this rejection, it is now moot in view of the cancellation of claims 4 and 5 herein. Applicants will address the rejection if and when it is raised in a continuing application.

Rejection under 35 U.S.C. §112, 2nd

1. Claims 1 and 4 have been rejected because their definition for "R₁" does not recite a benzyl group.

Response: While this grounds for rejection is now moot in view of the cancellation of claims 1 and 4, Applicants thank the examiner for pointing this error out and it will be corrected in any continuing application(s).

2. Claims 1 and 4 have been rejected because of the use of "isomer" and "isomeric mixture" without further limitation.

Response: While this grounds for rejection is now moot in view of the cancellation of claims 1 and 4, Applicants have included language concerning isomers and isomeric mixtures in amended claim 3 and new claim 9. The added language finds support in the specification at, e.g., page 10, lines 8-11. This amendment is not made in order to narrow

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or otherwise limit the scope of the claims in any way but rather is made in order to more clearly describe that which Applicants regard as their invention.

Claim Objections

1. Claim 3 is objected to as depending upon a rejected base claim but appears to be free of the prior art searched.

Response: Claim 3 is amended herein to place it in independent form including all of the limitations of the base claim and any intervening claims. Thus, it is believed that claim 3 (as well as new claim 9) is now allowable.

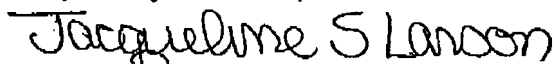
2. Claims 1 and 4 are objected to for various claim informalities.

Response: While these grounds for rejection are now moot in view of the cancellation of claims 1 and 4, Applicants thank the examiner for pointing these errors out; they will be corrected in any continuing application(s).

CONCLUSION

Applicants respectfully submit that the instant application is now in condition for allowance. Such action is earnestly solicited at an early date.

Respectfully submitted,


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